

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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JOE H. BANDY,

Civil No. 12-2084 JRT/LIB

Petitioner,

v.

**ORDER**

COMMISSIONER OF CORRECTIONS,

Respondent.

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Joe H. Bandy, #125257, MCF- Lino Lakes, 7525 Fourth Avenue, Lino Lakes, MN 55014, pro se petitioner.

Lee Barry, **OFFICE OF THE HENNEPIN COUNTY ATTORNEY**, 300 South Sixth Street, Suite C-2000, Minneapolis, MN 55487, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated August 31, 2012. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 4], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, (Docket No. 1), be **DENIED**; and
2. This action be summarily **DISMISSED** without prejudice for lack of jurisdiction.

Dated: September 18 , 2012  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge